

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
La Favorita Radio Network, Inc.)	File No.: EB-FIELDWR-18-00027252
Licensee of Radio Station KLOC)	
)	
Facility ID Number 60426)	
)	
Turlock, California)	

NOTICE OF VIOLATION

Released: August 29, 2019

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to La Favorita Radio Network, Inc. (La Favorita), licensee of radio station KLOC, 1390 kHz, in Hughson, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On June 5, 2019, an Agent of the Enforcement Bureau's San Francisco Office conducted an inspection and observed the following violations:

- a. 47 CFR § 73.1201(a)(2): "Station identification. *When regularly required.* Broadcast station identification announcements shall be made: Hourly, as close to the hour as feasible," At the time of inspection, the Agent observed on more than one occasion that there was no station identification announcement at the hour for KLOC, 1390 kHz.
- b. 47 CFR § 17.21(c): "Antenna structures shall be painted and lighted when: An antenna installation is of such a nature that its painting and lighting specifications in accordance with the FAA airspace recommendation are confusing, or endanger rather than assist airmen, or are otherwise inadequate. In these cases, the Commission will specify the type of painting and lighting or other marking to be used for the particular structure." La Favorita is required by the KLOC station authorization to paint and light the towers in accordance with FCC Form 715 paragraphs 1, 3, 11, and 21. The

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

Form 715 paragraphs require that the tower be painted for visibility and that top flashing red obstruction lights, along with midpoint sidelights, are operating at night. On more than one occasion, the Agent observed that the tower lights were not lit at night and that the paint was extremely faded.

- c. 47 CFR § 17.23 “Specifications for painting and lighting antenna structures.... [E]ach antenna structure must be painted and lighted in accordance with any painting and lighting requirements prescribed on the antenna structure's registration, or in accordance with any other specifications provided by the Commission.” La Favorita is required by the KLOC station authorization to paint and light the towers in accordance with FCC Form 715 paragraphs with specifications 1, 3, 11, and 21. The Form 715 paragraphs require that the tower be painted for visibility during daytime and that top flashing red obstruction lights, along with midpoint sidelights, are operating at night. At the time of inspection, the station's towers were not marked and lit in accordance with the conditions on the station's license.
- d. 47 CFR § 17.48(a) “Notification of extinguishment or improper functioning of lights. The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part Shall report immediately to the FAA, by means acceptable to the FAA, any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. If the lights cannot be repaired within the FAA's Notices to Airmen (NOTAM) period, the owner shall notify the FAA to extend the outage date and report a return-to-service date. The owner shall repeat this process until the lights are repaired.” At the time of inspection, no NOTAM had been submitted to the FAA by the licensee.
- e. 47 CFR § 17.50 “Cleaning and repainting. Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility. Evaluation of the current paint status shall be made by using the FAA's In-Service Aviation Orange Tolerance Chart. This chart is based upon the color requirements contained in the National Bureau of Standards Report NBSIR 75-663, Color Requirements for the Marking of Obstructions.” At the time of inspection, the Agent observed that the painting of the towers was extremely faded.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,³ section 403 of the Communications Act of 1934, as amended,⁴ and section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, La Favorita must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response

³ 47 U.S.C. § 308(b).

⁴ 47 U.S.C. § 403.

(i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with section 1.16 of the Rules, we direct La Favorita to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of La Favorita with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which are in La Favorita's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
Field @FCC.gov

6. This Notice shall be sent to La Favorita Radio Network, Inc., 4043 Geer Road, P. O. Box 1039, Hughson, CA 95326.

7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

⁵ 47 CFR § 1.89(c).

⁶ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 CFR § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley
Regional Director
Region Three
Enforcement Bureau